

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 3, Rio Cebolla

Subfile No. CHCB-002-0012

**MOTION FOR DEFAULT JUDGMENT**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer, and moves the Court to enter its order granting default judgment against the following defendants:

Juanita Sisneros           CHCB-002-0012

Alex Sisneros           CHCB-002-0012

and as grounds therefore Plaintiff states:

1. Defendants Alex Sisneros and Juanita Sisneros (“Defendants”) failed to attend a pretrial scheduling conference in Santa Fe on May 18, 2009, as required by the *Order Setting Pretrial Scheduling Conference* filed April 17, 2009 (Doc. No. 9440).
2. The April 19, 2009, *Order Setting Pretrial Scheduling Conference* notified Defendants that the failure to appear may result in a default order that incorporates the State’s proposed Consent Order(s), pursuant to the *Procedural Order for the Adjudication of Water Rights Claims in the Rio Nutrias, Rio Cebolla and Canjilon Sections of the Rio*

*Chama Stream System* (July 25, 2000; Doc. No. 5913), as amended August 7, 2001.

3. If a party fails to appear at a scheduling or pretrial conference, the Court may make such orders thereto as are just, including a judgment by default against the non-appearing party. Fed. R. Civ. P. 16(f).
4. Defendants did not contact this office prior to the scheduled conference to state that they were unable to attend, nor have they contacted this office since the date of the conference on May 18, 2009 to discuss their non-appearance.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to enter its order granting default judgment against Defendants Alex Sisneros and Juanita Sisneros incorporating the terms of the State's proposed Consent Order in Subfile CHCB-002-0012.

Respectfully submitted,

/s/ Gabriel Wade  
GABRIEL WADE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
Phone: (505) 827-7844  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17th day of June, 2009 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served vial electronic mail, and served the following non-CM-ECF participants via first class mail, post prepaid addressed as follows:

Alex Sisneros  
P.O. Box 243  
San Juan Pueblo, NM 87566

Juanita Sisneros  
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San Juan Pueblo, NM 87566

/s/ Gabriel Wade  
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